

Application No. 09/989,714
Filed: November 20, 2001
TC Art Unit: 2673
Confirmation No.: 9578

REMARKS

Claims 1-10, 48, 50-61, 64, 65, 67-71, and 74-85 have been rejected under 35 U.S.C. § 102(e) over Hamaji 6,337,680 B1. Reconsideration and withdrawal of this rejection is respectfully requested.

Regarding independent claims 1 and 50, the Examiner indicates that Hamaji discloses an optical sensor operative to compare images of a surface at known time intervals (Office Action, page 3). Hamaji, however, discloses a photoelectric detector used for counting the number of stripes on a grid as the slider 20 is moved. Thus, there is no comparison of images taken from the slider surface in Hamaji. Claims must be given their broadest reasonable interpretation. A comparison presupposes potential difference between the images. In Hamaji, the grid of stripes is uniform, and thus no differences exist to be detected in a comparison of images. Accordingly, claims 1 and 50 and the claims dependent therefrom are believed to be patentable over Hamaji, and reconsideration and indication thereof are respectfully requested.

New dependent claims 86 and 87 recite a further aspect of the present invention, namely, the optical sensor is operative to detect patterns in the surface, the patterns comprising the images to be compared. See Applicant's specification, page 13, lines 6-9, for support. These claims are believed to be patentable over Hamaji as well for the reasons set forth above with respect to claims 1 and 50.

Dependent claim 6 recites that the surface is textured. Dependent claim 60 recites that the surface has a matte texture. Dependent claim 61 recites that the surface is texturized. The

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Examiner indicates that the grid 21 of Hamaji is understood to constitute a textured surface. Again, claims must be given their broadest reasonable interpretation. The grid of Hamaji is merely visual, not textured or texturized and does not have a texture, as these terms would be understood by one of skill in the art. Accordingly, claims 6, 60, and 61 are believed to be patentable over Hamaji for these reasons as well.

Claim 11 has been rejected under § 103(a) over Hamaji in view of Niitsuma 5,164,712. Claim 11 is believed to be patentable for the reasons set forth above with respect to claims 1, 6, 60, and 61.

In view of the above amendments and remarks, all claims are believed to be in condition for allowance, and reconsideration of the rejection and indication of allowance are respectfully requested. The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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-11-

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